

I certify that the attached is a true and
correct copy of AB 2028, which
was filed of record on MAR 8 1989
and referred to the committee on:
Ways & Means

1989 MAR 21 PM 2:45

Betty Murray
Chief Clerk of the House

HOUSE OF REPRESENTATIVES

FILED MAR 8 1989

By Earley

H.B. No. 2028

A BILL TO BE ENTITLED

AN ACT

creating the Texas Bingo Commission and transferring all functions related to the
regulation of Bingo from the Comptroller of Public Accounts to the Texas Bingo
Commission

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. **Creation.** The Texas Bingo Commission is created to consist of a
member appointed by the governor with advice and consent of the senate to represent
"authorized charitable organizations" as defined in the Bingo Enabling Act, Article 179d,
Vernon's Texas Civil Statutes, and two ex officio members. Both appointed and ex
officio members shall have the right to vote. The ex officio members are the director of
the department of public safety and the attorney general. The director of the department of
public safety and the attorney general may designate staff members to represent their
agencies on the commission. A staff member representing his or her agency on the
commission shall have the same rights and privileges as the member including the right to
vote and shall be counted to determine the existence of a quorum for transaction of
commission business.

SECTION. 2. **Term of office** The appointed member shall hold office for two
years or until his or her successor is appointed and qualifies. The ex officio members
hold office on the commission for the time for which they hold the offices of attorney
general and director of the department of public safety.

SECTION 3. **Eligibility.** Each person appointed to or employed by the
commission is subject to the same background checks and qualifications as a licensee
under the Bingo Enabling Act. A person is not eligible for appointment to the commission
if he or she belongs to, or owns any financial interest in, a licensee under the Bingo
Enabling Act or in any business outside the State of Texas that would be required to be
licensed under the Bingo Enabling Act if it were doing business in Texas or if he or she is

1 related within the second degree by affinity or the third degree by consanguinity to a
2 person who belongs to, or owns any financial interest in, a licensee under the Bingo
3 Enabling Act or in any business outside the State of Texas that would be required to be
4 licensed under the Bingo Enabling Act if it were doing business in Texas. A person who
5 has been convicted of a felony, criminal fraud, or gambling or a gambling-related offense,
6 or of any crime involving moral turpitude is not eligible for appointment to the
7 commission. A person is not eligible for appointment to the commission who would be
8 disqualified for commission employment under this Act

9 **SECTION 4. Financial statement** The appointed member of the commission
10 and the executive director of the commission are "appointed officers of a major state
11 agency" within the meaning of Chapter 421, Acts of the 63rd Legislature, Regular
12 Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes). The appointed member
13 of the commission and the executive director of the commission shall also file a detailed
14 financial statement with the secretary of state of the type required by The Banking
15 Department of Texas in the application for charter for state banks. The financial statement
16 is a public record under Chapter 424, Acts of the 63rd Legislature, Regular Session,
17 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

18 **SECTION 5. Prohibited conduct** A commission member commits an offense
19 if he or she directly or indirectly accepts any employment or remuneration from a holder
20 of a license issued under the Bingo Enabling Act or from a person doing business outside
21 the State of Texas who would be required to hold a license under the Bingo Enabling Act
22 if doing business in Texas. An offense under this Section is a Class C Misdemeanor.

23 **SECTION 6. Expenses** The appointed commission member is entitled to per
24 diem in the amount prescribed by legislative appropriation for each day spent in
25 performing the duties of the office and is entitled to reimbursement for actual and
26 necessary expenses incurred in performing those duties subject to any limitations provided
27 by the general appropriations act. Ex officio members are entitled to reimbursement for

1 expenses from their respective agencies as provided by law for expenses incurred in the
2 performance of their other official duties.

3 **SECTION 7. Offices** The commission shall maintain an Austin office and may
4 also establish branch offices.

5 **SECTION 8. Chairman** The appointed member of the commission shall be its
6 chairman.

7 **SECTION 9 Meetings of commission** (a) The commission shall hold
8 regular meetings at least once per month and such special meetings as may be needed.

9 (b) The commission shall keep a public record of every vote on file in its Austin office.

10 **SECTION 10. Executive director; employees** (a) The commission shall
11 employ an executive director and other employees as necessary to administer this Act to
12 reflect the diversity of the population of the state as regards race, color, handicap, sex,
13 religion, age, and national origin. The executive director and all staff shall serve at the
14 pleasure of the commission and exercise such authority and responsibility as the
15 commission, in its discretion, may determine to delegate.

16 (b) The commission may not employ or continue to employ a person who directly or
17 indirectly accepts any employment or remuneration from a licensee under the Bingo
18 Enabling Act or from a person doing business outside the State of Texas who would be
19 required to hold a license under the Bingo Enabling Act if doing business in Texas.

20 (c) The commission may not employ or continue to employ a person who is involved in
21 any manner with the conduct, promotion, or administration of bingo games required to be
22 licensed under the Bingo Enabling Act, or any other activity required to be licensed under
23 the Bingo Enabling Act.

24 (d) The commission may not employ or continue to employ a person related within the
25 second degree by affinity or the third degree by consanguinity to a person who is
26 disqualified for commission employment under Subsection (b) of this section.

1 SECTION 11. This Act takes effect on January 1, 1990. All records and
2 property of the comptroller of public accounts related to Bingo are transferred to the
3 commission as of that date.

4 SECTION 12. The importance of this legislation and the crowded condition of the
5 calendars in both houses create an emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several days in each house be
7 suspended, and this rule is hereby suspended.

8

HOUSE COMMITTEE REPORT

1st Printing

By Earley

H.B. No. 2028

Substitute the following for H.B. No. 2028:

By Wilson

C.S.H.B. No. 2028

A BILL TO BE ENTITLED

AN ACT

creating the Texas Bingo Commission and transferring all functions related to the regulation of Bingo from the Comptroller of Public Accounts to the Texas Bingo Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Creation. The Texas Bingo Commission is created to consist of a member appointed by the governor with advice and consent of the senate to represent "authorized charitable organizations" as defined in the Bingo Enabling Act, Article 179d, Vernon's Texas Civil Statutes, and two ex officio members. Both appointed and ex officio members shall have the right to vote. The ex officio members are the director of the department of public safety and the attorney general. The director of the department of public safety and the attorney general may designate staff members to represent their agencies on the commission. A staff member representing his or her agency on the commission shall have the same rights and privileges as the member including the right to vote and shall be counted to determine the existence of a quorum for transaction of commission business.

SECTION 2. Term of office. The appointed member shall hold office for two years or until his or her successor is appointed and qualifies. The ex officio members hold office on the commission for the time for which they hold the offices of attorney general and director of the department of public safety.

1 SECTION 3. Eligibility. Each person appointed to or
2 employed by the commission is subject to the same background checks
3 and qualifications as a licensee under the Bingo Enabling Act. A
4 person is not eligible for appointment to the commission if he or
5 she belongs to, or owns any financial interest in, a licensee under
6 the Bingo Enabling Act or in any business outside the State of
7 Texas that would be required to be licensed under the Bingo
8 Enabling Act if it were doing business in Texas or if he or she is
9 related within the second degree by affinity or the third degree by
10 consanguinity to a person who belongs to, or owns any financial
11 interest in, a licensee under the Bingo Enabling Act or in any
12 business outside the State of Texas that would be required to be
13 licensed under the Bingo Enabling Act if it were doing business in
14 Texas. A person who has been convicted of a felony, criminal
15 fraud, or gambling or a gambling-related offense, or of any crime
16 involving moral turpitude is not eligible for appointment to the
17 commission. A person is not eligible for appointment to the
18 commission who would be disqualified for commission employment
19 under this Act.

20 SECTION 4. Financial statement. The appointed member of the
21 commission and the executive director of the commission are
22 "appointed officers of a major state agency" within the meaning of
23 Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973
24 (Article 6252-9b, Vernon's Texas Civil Statutes). The appointed
25 member of the commission and the executive director of the
26 commission shall also file a detailed financial statement with the
27 secretary of state of the type required by The Banking Department

1 of Texas in the application for charter for state banks. The
2 financial statement is a public record under Chapter 424, Acts of
3 the 63rd Legislature, Regular Session, 1973 (Article 6252-17a,
4 Vernon's Texas Civil Statutes).

5 SECTION 5. Prohibited conduct. A commission member commits
6 an offense if he or she directly or indirectly accepts any
7 employment or remuneration from a holder of a license issued under
8 the Bingo Enabling Act or from a person doing business outside the
9 State of Texas who would be required to hold a license under the
10 Bingo Enabling Act if doing business in Texas. An offense under
11 this Section is a Class C Misdemeanor.

12 SECTION 6. Expenses. The appointed commission member is
13 entitled to per diem in the amount prescribed by legislative
14 appropriation for each day spent in performing the duties of the
15 office and is entitled to reimbursement for actual and necessary
16 expenses incurred in performing those duties subject to any
17 limitations provided by the general appropriations act. Ex officio
18 members are entitled to reimbursement for expenses from their
19 respective agencies as provided by law for expenses incurred in the
20 performance of their other official duties.

21 SECTION 7. Offices. The commission shall maintain an Austin
22 office and may also establish branch offices.

23 SECTION 8. Chairman. The appointed member of the commission
24 shall be its chairman.

25 SECTION 9. Meetings of commission. (a) The commission
26 shall hold regular meetings at least once per month and such
27 special meetings as may be needed.

1 (b) The commission shall keep a public record of every vote
2 on file in its Austin office.

3 SECTION 10. Executive director; employees. (a) The
4 commission shall employ an executive director and other employees
5 as necessary to administer this Act to reflect the diversity of the
6 population of the state as regards race, color, handicap, sex,
7 religion, age, and national origin. The executive director and all
8 staff shall serve at the pleasure of the commission and exercise
9 such authority and responsibility as the commission, in its
10 discretion, may determine to delegate.

11 (b) The commission may not employ or continue to employ a
12 person who directly or indirectly accepts any employment or
13 remuneration from a licensee under the Bingo Enabling Act or from a
14 person doing business outside the State of Texas who would be
15 required to hold a license under the Bingo Enabling Act if doing
16 business in Texas.

17 (c) The commission may not employ or continue to employ a
18 person who is involved in any manner with the conduct, promotion,
19 or administration of bingo games required to be licensed under the
20 Bingo Enabling Act, or any other activity required to be licensed
21 under the Bingo Enabling Act.

22 (d) The commission may not employ or continue to employ a
23 person related within the second degree by affinity or the third
24 degree by consanguinity to a person who is disqualified for
25 commission employment under Subsection (b) of this section.

26 SECTION 11. This Act takes effect on January 1, 1990. All
27 responsibilities and duties of the comptroller of public accounts

1 under the Bingo Enabling Act related to Bingo are transferred to
2 the commission as of that date. All records and property of the
3 comptroller of public accounts related to Bingo are transferred to
4 the commission as of that date. All references to the comptroller
5 of public accounts under the Bingo Enabling Act shall be construed
6 to be references to the commission from and after that date.

7 SECTION 12. The importance of this legislation and the
8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4-26-89
(date)

Sir:

We, your COMMITTEE ON WAYS AND MEANS,

to whom was referred H. B. 2028 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x)yes () no An actuarial analysis was requested. () yes (x)no

An author's fiscal statement was requested. () yes (x)no

A criminal justice policy impact statement was prepared. () yes (x)no

A water development policy impact statement was requested. () yes (x)no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

This measure (x)proposes new law. () amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hury, Ch.	✓			
Luna, V.C.		✓		
Hollowell, C.B.O.				✓
Berlanga	✓			
Craddick	✓			
Heflin				✓
Morales	✓			
Schlueter				✓
Seidlits	✓			
Stiles	✓			
Williamson				✓
Wilson				✓
Wolens	✓			

Total
7 aye
1 nay
0 present, not voting
5 absent

James Hury
CHAIRMAN
Deborah K. Webb
COMMITTEE COORDINATOR

BILL ANALYSIS

BACKGROUND

Under current Texas law, the Comptroller of Public Accounts regulates charity bingo in the state. Section 16(a) of the Bingo Enabling Act (Article 179d, V.T.C.S.) grants the Comptroller the broad authority to exercise strict control and close supervision over all bingo games conducted in Texas. The Comptroller is also given the power to issue, suspend, or revoke any bingo license issued under the Act. Currently, there is no other agency charged with investigating or enforcing alleged violations of bingo laws in this state.

PURPOSE

This bill creates the Texas Bingo Commission to regulate bingo and transfers all functions related to the regulation of bingo from the Comptroller of Public Accounts to the Commission.

SECTION BY SECTION ANALYSIS

SECTION 1. Creates the Texas Bingo Commission; provides that the commission consists of three members, one appointed by the governor who represents authorized charitable organizations, the director of the Department of Public Safety (DPS) and the attorney general; provides that all members have the right to vote; authorizes the director of the DPS and the attorney general to designate staff members to represent their agencies on the commission; specifies that a staff member representing his or her agency has the same rights as the member including the right to vote.

SECTION 2. Provides that an appointed member to the commission serves a two year term or until a successor is appointed; provides that ex officio members hold office as long as they hold office as the attorney general and the director of the DPS.

SECTION 3. Provides that persons appointed or employed by the commission are subject to the same qualifications as a licensee under the Bingo Enabling Act; provides that a person is not eligible for appointment to the commission if he or she has any interest that requires licensing under the Act or if he or she is related within the second degree by affinity or the third degree by consanguinity to a person having any interest that would require licensing under the Act; specifies that a person convicted certain offenses is not eligible for appointment to the commission.

SECTION 4. Specifies that members to the commission are "appointed officers of a major state agency" within the meaning of Article 6252-9b, V.T.C.S., and requires them to file detailed financial statements; specifies that the financial statement is a public record under Article 6252-17a, V.T.C.S.

SECTION 5. Provides that a commission member commits an offense if he or she accepts employment or remuneration from a holder of a license issued under the Bingo Enabling Act or from a person doing business outside the state who would be required to obtain a license if doing business inside the state; specifies that an offense under this section is a Class C Misdemeanor.

SECTION 6. Provides that an appointed commission member is entitled to per diem for each day spent performing official duties and is entitled to compensation for expenses incurred in performing those duties; provides that ex officio members are entitled to reimbursement for expenses from their respective agencies for expenses incurred.

SECTION 7. Requires the commission to maintain an Austin office and authorizes it to establish branch offices.

SECTION 8. Provides that the appointed member to the commission is its chairman.

SECTION 9. Requires the commission to hold regular meetings at least once a month and special meetings as necessary; requires the commission to keep a public record of every vote on file in its Austin office.

SECTION 10. (a) Requires the commission to employ an executive director and other employees necessary to administer this Act in an equitable manner; requires the executive director and all staff to serve at the pleasure of the commission and exercise authority as the commission may delegate.

(b) Prohibits the commission from employing any person who accepts employment or remuneration from any person licensed under the Bingo Enabling Act or from a person doing business outside the state who would be required to be licensed if doing business inside the state.

(c) Prohibits the commission from employing any person who is involved in any manner with the conduct, promotion, or administration of bingo games required to be licensed by the Bingo Enabling Act, or any other activity required to be licensed under that Act.

(d) Prohibits the commission from employing any person who is related within the second degree by affinity or the third degree by consanguinity to a person who disqualified from commission employment under Subsection (b) of this section.

SECTION 11. Effective date: January 1, 1990; transfers all responsibilities and duties of the comptroller of public accounts related to bingo to the commission on that date; transfers all records and property of the comptroller related to bingo to the commission on that date; provides that all references to the comptroller of public accounts under the Bingo Enabling Act shall be construed to be references to the commission from and after that date.

SECTION 12. Emergency clause.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill delegates rulemaking authority to the Texas Bingo Commission in Section 11 by transferring all responsibilities and duties from the comptroller to the commission.

COMPARISON OF ORIGINAL BILL TO SUBSTITUTE

C.S.H.B. 2028 adds language to SECTION 11 to specify that all responsibilities and duties of the comptroller of public accounts related to bingo are transferred to the commission; specifies that references to the comptroller made in the Bingo Enabling Act apply to the commission after the effective date of this bill.

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance with the rules and a public hearing was held on March 29, 1989. Ms. Deborah Tucker, representing the Texas Council on Family Violence, testified on the bill. The following persons testified as resource witnesses from the State Comptroller's Office: Ms. Claudia Stravato, Mr.

C.S.H.B. 2028
(H.B. 2028)

Wilson
(Earley)

Ellis Tredway, and Mr. Joe Greco. On March 29, 1989, the measure was referred to the Subcommittee on Bingo Regulation consisting of the following members: Representatives Berlanga - Chair, Hollowell, Seidlits, Wilson, and Wolens.

On April 24, 1989, the subcommittee met in a formal meeting and voted to report the measure to the full committee as substituted.

On April 26, 1989, the full committee voted to report H.B. 2028 to the House as substituted with the recommendation that it do pass by a record vote of 7 ayes, 1 nay, with 5 absent.

Ways and Means
ALS

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 1, 1989

TO: Honorable James F. Hury, Jr., Chair
Committee on Ways and Means
House of Representatives
Austin, Texas

In Re: Committee Substitute
for House Bill No. 2028

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 2028 (creating the Texas Bingo Commission and transferring all functions related to the regulation of Bingo from the Comptroller of Public Accounts to the Texas Bingo Commission) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would establish the Texas Bingo Commission and would provide for the transfer of all bingo-related responsibilities and duties of the Comptroller of Public Accounts to the Texas Bingo Commission as of January 1, 1990. The bill would also provide for the transfer of all records and property of the Comptroller related to bingo to the Texas Bingo Commission.

The Comptroller estimates that the administrative cost associated with bingo regulation for fiscal year 1990 is \$2,031,505, which includes the salaries of 53 full-time employees. The cost estimate assumes that the authority for the auditing and enforcement functions associated with bingo regulation would be transferred to the commission. It is assumed that the data processing functions would remain in the Comptroller's office.

Currently, the administrative cost to the Comptroller is funded out of statutorily dedicated revenue from bingo licenses and tax service fees. The estimated revenue from the statutory allocations for fiscal year 1990 is approximately \$2.7 million.

If the statutorily dedicated revenue is transferred to the commission, it is assumed that there would be a cost to the General Revenue Fund to the extent that the Comptroller is using excess bingo revenue to fund other General Revenue Fund activities.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>
1990	\$668,000
1991	668,000
1992	668,000
1993	668,000
1994	668,000

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: Comptroller of Public Accounts;
LBB Staff: JO, JWH, AL, TB, PA

71FCSHB2028

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 29, 1989

TO: Honorable James F. Hury, Jr., Chair
Committee on Ways and Means
House of Representatives
Austin, Texas

In Re: House Bill No. 2028
By: Earley

FROM: Jim Oliver, Director

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The Comptroller estimates that the administrative cost associated with bingo regulation for fiscal year 1990 is \$2,031,505, which includes the salaries of 53 full-time employees. The cost estimate assumes that the authority for the auditing and enforcement functions associated with bingo regulation would be transferred to the commission. It is assumed that the data processing functions would remain in the Comptroller's office.

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LBB Staff: JO, JWH, AL, TB, PA

H. B. No. 2028

By Farley

A BILL TO BE ENTITLED

AN ACT

creating the Texas Bingo Commission and transferring all functions related to the regulation of Bingo from the Comptroller of Public Accounts to the Texas Bingo Commission.

MAR 8 1989

1. Filed with the Chief Clerk.

MAR 21 1989

2. Read first time and Referred to Committee on

Ways & Means

MAY 1 1989

3. Reported favorably ~~(as amended)~~ ^(as substituted) and sent to Printer at 10:45am

MAY 2 1989

MAY 4 1989

4. Printed and distributed at 10:25am

MAY 4 1989

5. Sent to Committee on Calendars at 11:51am

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

89 MAY -4 AM 10:25

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